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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,251	11/17/2003	Michael Richard Barrett	60655.3100	6490
5514	7590	07/06/2006	EXAMINER MAHMOUDI, HASSAN	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			ART UNIT 2165	PAPER NUMBER

DATE MAILED: 07/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/716,251	Applicant(s) BARRETT ET AL.	
	Examiner Tony Mahmoudi	Art Unit 2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01/26/04, 01/21/05</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

1. The instant application is a CIP (continuation-in-part) of U.S. Non-Provisional Patent Application S/N 10/334,271, filed on 31-December-2002.

The limitation of “servicing component” of the instant application is ***not supported*** by the specification of the parent application. Therefore, the filing date of the Provisional Patent Application (31-December-2002) is considered the effective filing date for those claim limitations of the instant application ***which do not include and/or refer to*** the “servicing component” limitation.

Accordingly, claims components including and/or referencing the “servicing component” limitation are subject to the effective filing date of 17-November-2003 (the actual filing date of the instant application.)

Oath/Declaration

2. The Declaration filed for the instant Application appears to be an exact copy of the Declaration filed for the non-provisional (parent) Application 10/334,271, which the instant Application is a continuation-in-part of.

According to section 602.05(a) [R-3] *Oath or Declaration in Continuation and Divisional Applications* of the MPEP, “[a] continuation or divisional application filed under

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37 CFR 1.53(b) (other than a continuation-in-part (CIP)) may be filed with a copy of the oath or declaration from the prior nonprovisional application.”

However, according to the MPEP § 602 [R3] Original Oath or Declaration, “[a] newly executed oath or declaration must be filed in any continuation-in-part application, which application may name all, more, or fewer than all of the inventors named in the prior application.”

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include several reference characters **not** mentioned in the description. For example:

Reference character **110 Action Services** and reference made to **Self Servicing** in figure 1.

In figure 2, step 208, reads: **GENERATE R QUERIES FOR USER**. “R QUERIES” is not mentioned/defined in the specification.

The above are examples of reference characters not mentioned in the descriptions. The applicant is requested to review and correct all sheets of drawings as appropriate.

4. The drawings are further objected to because of the following informalities:

In figure 1, communication line labeled **Build ? Based on known info and save requested** does not clearly state what is communicated from the **Ownership component 104** to the **registration component 102**.

In figure 2, step 208, reads: **GENERATE R QUERIES FOR USER**. “R QUERIES” does not clearly indicate what type of queries are being generated in step 208.

5. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specifications

6. The specification of the instant application is objected to in view of the objections made above to the drawings. The specification must correctly and sufficiently reference every element shown on the drawing figures. Wherever there is a discrepancy between an element

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depicted in the drawings and references made to the element in the specification (or lack thereof), either the figures of drawings, or the specifications, or both must be corrected to overcome the discrepancy. Appropriate corrections to the specifications are required.

Claim Objections

7. Claims 4, 7 and 13 are objected to for the following minor informalities:

The preambles of claims 4 and 7 do not end with a colon “:”. For consistency purposes, it is recommended that all claim preamble end with a colon “:”.

Claim 13 recites, “between said user identity *with* said account” in lines 4 and 6. The term “*with*” needs to be changed to --*and*--. Corrections are required.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the *second paragraph* of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1, 6, 7, 9 and 13 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites, “the ownership” in line 4, and “the integrity” in line 7;

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claims 6 and 9 recite, “the likelihood” in line 6;

claim 7 recites, “the ownership” in line 2; and

claim 13 recites, “the usage history” in line 7.

There is insufficient antecedent basis for these limitations in the claim.

This rejection can be overcome by amending the above claims to remove the term “*the*” from the referenced limitations, and/or to replace the term “*the*” with “*a*” or “*an*”, as appropriate.

Claims 6 and 9 are further rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, because they recite the limitations, “successful answer” in line 2, and “unsuccessful answer” in line 4.

It is not clear from the language of the above claims as to whether a “successful answer” means a “correct” answer, or it means a “successfully transmitted” answer regardless of the answer being correct or incorrect.

Also, it is not clear as to whether an “unsuccessful answer” indicates an “incorrect” answer, or it indicates an “unsuccessfully transmitted” (failed) answer regardless of the answer being correct or incorrect.

The specification of the instant application, in paragraph 11 (bottom of page 3 through the top of page 4) states: “Positive weighting can be assigned to *successful transactions that are indicative of an ownership of the underlying account*, while negative weighting can be assigned to *unsuccessful transactions*”, which is also unclear and indefinite.

In the above paragraph, *successful transactions* and *unsuccessful transactions* can be interpreted as “successfully transmitted” and “unsuccessfully transmitted” transactions (“answers” in view of the claims), regardless of the “answers” being correct or incorrect, while successful/unsuccessful *transactions that are indicative of an ownership of the underlying account* can be interpreted as “correct answers” and “incorrect answers”, in view of the above claims.

This rejection can be overcome by amending the above claims to clearly define what a “successful answer” and an “unsuccessful answer” indicate and how they are determined.

Claim Rejections - 35 USC § 101

10. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

11. Claims 1 and 13 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Independent claim 1 is “a computing system” for facilitating management of user identities, comprising of four separate but related components (“registration”, “ownership”, “audit”, and “servicing” components), each component configured to “facilitate” a function of the system.

Although each component “facilitates” a function, which produces a result, the results produced by the system components are not considered tangible.

The registration component results in “establishing a relationship between a user and an identity”; the ownership component results in “relating said ownership to said identity”; the audit component results in “verifying the integrity of the relationship”; and the servicing component results in “maintaining and modifying information relating to said entity”.

However, none of the above results are communicated or presented to the user, nor is any indication of any such result stored anywhere in memory.

To overcome this rejection, claim 1 needs to be amended to recite a tangible result for the system (e.g. adding a limitation to associate the “maintaining and modifying information relating to said identity” with either a presentation of this result to a user, or by storing the maintained and modified information in a record, a table, or somewhere in memory, provided existence of sufficient support within the originally filed specifications.

Also, with respect to the “components” of the independent claim 1, the specification of the instant application, in page 4, paragraph 15 states:

“The present invention may be described herein in terms of various *functional components* and various processing steps. It should be appreciated that *such functional components may be realized by a variety of different hardware* or structural components configured to perform the specified functions.”

From the specification details, the components of claim 1 are interpreted by the Examiner to represent *software components* or *software modules* which are not *necessarily* associated

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with any hardware (they “may be realized” by hardware, as per the description in the specification), and are therefore, considered non-statutory subject matter as software, per se.

To overcome this rejection, claim 1 needs to be amended to clearly identify the “components” of the claim as either “hardware components”, or to provide a relation for the “components” with appropriate hardware (components stored on hardware, i.e., a storage medium readable by a machine), provided existence of sufficient support within the originally filed specifications.

Independent claim 13 is “a method for facilitating the maintenance of relationships”, which “assigns” either “a positive weight”, or “a negative weight”, based on the success or failure of a relationship confirmation, and “aggregates” the positive and negative weights to “determine the usage history of a user identity.”

The functions of “assigning” positive or negative weight, and “aggregating” the weights all result in *determining* the usage history. The “determination” is simply a calculation (e.g. a numerical computation), and therefore, is considered non-statutory.

The “determining” is not communicated to the user, nor is an indication of such determination (calculation) stored anywhere in memory.

This rejection can be overcome by amending the claim to present the result of “determination” in a tangible form (e.g., communicate the result to a user or store the result in memory), provided existence of sufficient support within the originally filed specifications.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

13. Claim 13 is rejected under 35 U.S.C. 102(e) as being anticipated by Candella et al (U.S. Pub No. 2005/0021476 A1, hereinafter referred to as **Candella**.)

As to claim 13, **Candella** teaches a method for facilitating maintenance of relationships between a user identity and an account related to said user identity (see paragraphs 1, 11, and 25) comprising:

assigning a positive weight (see paragraphs 32 and 41) for a successful confirmation of a relationship between said user identity and said account (see paragraph 49, where “successful confirmation” is read on “successful answering”; and see “correct answers” in paragraph 56-59);

assigning a negative weight (see paragraphs 32, 35 and 43) for an unsuccessful confirmation of a relationship between said user identity and said account (see paragraphs 13 and 49, where “unsuccessful confirmation” is read on “incorrect answers”); and

aggregating said positive and negative weights (see paragraph 58) to determine the usage history of a user identity (see paragraphs 12, 27, 30, 39 and 54-55, where “usage history of

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the user identity” is read on “name/address record has been matched within the *preselected period*”.)

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 1-5, 7-8, and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bansal et al (U.S. Pub. No. 2003/0120593 A1, hereinafter referred to as **Bansal**) in view of Benson et al (U.S. Pub. No. 2004/0225632 A1, hereinafter referred to as **Benson**.)

As to claim 1, **Bansal** teaches a computing system for facilitating management of user identities (see paragraphs 344, and 370, and 374, where “user identities” is read on “user profiles”) comprising:

a registration component (see paragraphs 29-36) configured to facilitate gathering information from users (see paragraphs 36, 342) and establishing a relationship between a user and an identity (see paragraphs 374, 527, and 881);

an ownership component (see paragraph 156, where “ownership” is read on “membership”) configured to facilitate verification of the ownership of an account and to facilitate relating said ownership to said identity (see paragraphs 62, 239-240, 252, and 474,

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where “verification of ownership” is read on “verifying the identity of an entity”, and controlling access by the entity”);

an audit component (see paragraphs 80 and 99) configured to periodically facilitate monitoring said account and said identity (see paragraphs 35, 80, 97-100, and 535) to verify the integrity of the relationship (see paragraphs 352-453, and see paragraph 717, where “verifying the integrity” is read on “ensuring transaction integrity”).)

Bansal does not teach: a servicing component configured to facilitate maintaining and modifying information relating to said identity.

Benson teaches an automated information management system (see paragraph 2), in which he teaches: a servicing component (see paragraph 55-57) configured to facilitate maintaining and modifying information relating to said identity (see paragraphs 6, 28 and 47.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified **Bansal** by the teaching of **Benson**, because including a servicing component configured to facilitate maintaining and modifying information relating to said identity, would enable the system to use a service component to write changes to the identity, if changes are to be applied to the identity information, as taught by **Benson** (see paragraphs 55). **Benson** also uses service components for various other functions dealing with identity information, for example, reading data from a drop file, and for and writing information (see paragraph 56), and for applying changes to the unified identity information (see paragraph 57.)

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As to claim 2, **Bansal** as modified, teaches wherein:

said servicing component (see **Benson**, paragraphs 55-57) is further configured to be operated by users (see **Benson**, paragraphs 21, 25 and 74, and see **Bansal**, paragraphs 18 and 215.)

As to claim 3, **Bansal** as modified, teaches wherein:

said servicing component (see **Benson**, paragraphs 55-57) is further configured to be operated by one or more customer service representatives (see **Benson**, paragraphs 25 and 74, where “customer service representative” is read on “administrator”, and see **Bansal**, paragraphs 41, 70, and 239.)

As to claim 4, **Bansal** as modified, teaches wherein:

said ownership component (see **Bansal**, paragraph 156, where “ownership” is read on “membership”) is further configured to facilitate confirming the ownership of a user id (see **Bansal**, paragraphs 349 and 477.)

As to claim 5, **Bansal** as modified, teaches wherein said ownership component is further configured for:

analyzing ownership data (see **Bansal**, paragraphs 155-156, 395, 569 and 571); and
generating questions to be asked of a user to verify the identity of said user (see **Bansal**, paragraphs 351, 395, and 616.)

As to claim 7, **Bansal** as modified, teaches wherein:

said ownership component (see **Bansal**, paragraph 156, where “ownership” is read on “membership”) is further configured to facilitate confirming the ownership of an account (see **Bansal**, paragraphs 344, 355-357, and 384.)

As to claim 8, **Bansal** as modified, teaches wherein said ownership component is further configured to facilitate:

analyzing ownership data (see **Bansal**, paragraphs 155-156, 395, 569 and 571); and
generating questions to be asked of a user to verify the identity of said user (see **Bansal**, paragraphs 351, 395, and 616.)

As to claim 10, **Bansal** as modified, teaches wherein:

said audit component (see **Bansal**, paragraphs 80 and 99) is configured to facilitate periodic confirmation of ownership information from said user (see **Bansal**, paragraphs 35, 80, and 424.)

As to claim 11, **Bansal** as modified, teaches wherein said audit component (see **Bansal**, paragraphs 80 and 99) is configured to facilitate periodic confirmation of identity information (see **Bansal**, paragraphs 349 and 474-477.)

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As to claim 12, **Bansal** as modified, teaches wherein said information from said users comprises biometric information (see **Bansal**, paragraphs 63 and 475.)

16. Claims 6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Bansal** in view of **Benson**, as applied to claims 1-5, 7-8, and 10-12 above, and further in view of **Candella et al** (U.S. Pub No. 2005/0021476 A1, hereinafter referred to as **Candella**.)

As to claims 6 and 9, **Bansal** as modified, still does not teach the system further configured for facilitating:

assigning a positive weight for a successful answer by an account associated with said identity;

assigning a negative weight for an unsuccessful answer by an account associated with said identity; and

aggregating said positive and negative weights to determine the likelihood a claimed identity is the owner of said account.

Candella teaches a system for detecting identity theft (see paragraphs 1 and 11), in which he teaches:

assigning a positive weight (see paragraphs 32 and 41) for a successful answer by an account associated with said identity (see paragraphs 49 and 58);

assigning a negative weight (see paragraphs 32, 35 and 43) for an unsuccessful answer by an account associated with said identity (see paragraphs 13 and 49); and

aggregating said positive and negative weights (see paragraph 58) to determine the likelihood a claimed identity is the owner of said account (see paragraph 30, where “the likelihood a claimed identity is the owner of said account” is read on “the probability that the purchaser is using another purchaser's identity in a fraudulent manner; and see paragraph 49.”)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Bansal as modified, by the teachings of Candella, because assigning a positive weight for a successful answer by an account associated with said identity; assigning a negative weight for an unsuccessful answer by an account associated with said identity; and aggregating said positive and negative weights to determine the likelihood a claimed identity is the owner of said account, would assist the system in “determining the risk that a person, such as a purchaser 20 seeking to buy a product or service, purchase a ticket or enter a location 21, is not who they claim to be”, as taught by Candella in paragraph 28 and figures 2A-2B, and it would enable the system “to determine the probability that the purchaser is using another purchaser's identity in a fraudulent manner”, as taught by Candella in paragraph 30.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of art with respect to methods and systems management of distributed security in computer systems in general:

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Patent/Pub. No.	Issued to	Cited for teaching
US 6,289,513 B1	Bentwich	Plurality of components; assigning positive and negative points to correct and incorrect answers.
US 2005/0108206 A1	Lam et al.	Object-oriented interaction and servicing components.

18. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Tony Mahmoudi whose telephone number is (571) 272-4078. The examiner can normally be reached on Mondays-Fridays from 08:00 am to 04:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin, can be reached at (571) 272-4146.



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